

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence  
 FELONY Fel ☒ District Office 2-24-77

vs. CUNNINGHAM, James H.  
 Rt. 9, Box 304  
 Midwest City, Ok 73110  
 (LAST, FIRST, MIDDLE) PH: 405-794-2473

Case Filed  
 Mo. Day  
 11 09  
 No. of Defs  
 \* 08

76 - CR - 148 - 1  
 Yr. Docket No. Def.

U.S. TITLE/SECTION **SUPPL. 6-1-77** OFFENSES CHARGED  
 18:371 **SUPPL. 6-23-77** Conspiracy to Commit Offense or Defraud USA 1  
 (18:371 \$10,000.00 &/or 5 Yrs.)

ORIGINAL COUNTS

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied ☐ Set ☐ Pers. Recog.  
 \$ 5,000 ☐ PSA  
 Date ☐ 10% Deposit  
 11-9-76 ☒ Surety Bond/C  
☐ Bail Not Made ☐ Collateral  
☒ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

## II. KEY DATES &amp; INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 11-19-76	High Risk Date 11-9-76	Information <input type="checkbox"/> 11-9-76	Trial Set For 11-19-76	Disposition of Charges 2-24-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 11-19-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted <input checked="" type="checkbox"/> On All Charges
First Appearance	In Charging District	Final Plea 11-19-76	Trial Began <input type="checkbox"/>	<input type="checkbox"/> Acquired <input type="checkbox"/> On Lesser * Offense(s)
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input type="checkbox"/> NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL	Trial Ended <input type="checkbox"/>	<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
		<input type="checkbox"/> NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL		<input type="checkbox"/> On Governm'ts Motion

MAGISTRATE		OUTCOME:
Search Warrant	Issued Return	<input type="checkbox"/> DISMISSED
Summons	Issued Served	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
COMPLAINT		
OFFENSE (In Complaint)		

U.S. Attorney or Asst.

Nathan G. Graham, U.S. Attorney

## ATTORNEYS

Defense: ☐ CJA, ☒ Ret. ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Thomas Woody  
 1411 Classen Blvd.  
 319 Classen Terrace Bldg.  
 Ok. City, Ok 73106  
 PH: 239-6116

Billy Jack Hendrix  
 2000 Classen Center,  
 Suite 224 - Arcade  
 Okla. City, OK 73106  
 405/524-4408

\* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	PROCEEDINGS	EXCLUDABLE DELAY
1976	WHIPKEY (2), FLEWELLEN (3), MALLORY (4), FOWLER (5), MANAHAN, SR. (6),	
11-9	Record vote of the Grand Jury Concurring, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	2 11-9-76 M
11-9	Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v	
11-10	Warrant issued. v	
11-17	MO: Case set for arraignment & plea on 11-18-76, at 11:15 A.M. (AEB-J)b	
11-18	Case called for arraignment. Deft. not present or rep. (AEB-J)b	
11-19	Deft's Motion for release on personal recognizance, filed. cpy to Dene b	
11-19	Case called for arraignment & plea. Deft. present & rep. Govt rep. by B. Baker. Deft. acknow. receipt of indict., is advised of charge & placed under oath. Deft is arraigned & enters plea of GUILTY & is adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sent. report. Defts motion for reduction of bond approved & reduced to \$5,000 O/R, w/travel restrictions in North. & West. Dist. of Ok. Sentencing set on 11-30-76, 9:45 AM. Deft. remanded to USM. (AEB-J)b	

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
11-19	(DOCUMENT NO.) Appear. bond in amt. of \$ 5,000 (personal), filed w/order spec. methods & conditions of release. b					
11-30	Case called for sentencing. Deft. present & rep. Govt. rep. by Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - James H. Cunningham Atty. Gen. - Max. five (5) years for study under 4205(d), the results of such study to be furnished this Court w/in 90 days, whereupon sent. of imprison. herein imposed may be subject to modification in accordance w/ 4205(c). Ct. recommends commitment to Fed. Med. ctr. in Springfield, Mo. (AEB-J)b					
11-30	Judgment & Commitment, filed & entered. (AEB-J)b					
11-30	Two c/c of J & C to USM. b					
12-3	W/Arrest, ret. & filed: deft. arrested 11-19-76. g	2		11-19-76	M	11
12-3	J&C, ret. & filed: deft. delivered to USMC, Springfield, Mo. on 12-2-76. g					
2-18	MO: Case set for definitive sentence on 2-24-77, at 10:00 A.M. (AEB-J)b nts mld					
2-24	Case called for definitive sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - James H. Cunningham Atty. Gen. - Five (5) years & further ordered that deft. may become eligible for parole at such time as Parole Comm. may determine as provided in 4205(b)(2). Deft. remanded to USM. (AEB-J)b					
2-24	Judgment & Commitment, filed & entered. (AEB-J)b					
2-24	Two c/c of J & C to USM. b					
3-14	Mot. for reduction of sentence and admission to probation, fld.					
3-14	Argument and brief in support of mot. for reduction of sent. & admission to probation, fld. v -cpy to Dene.					
3-14	J&C, ret. & filed: deft. delivered to FCI, El Reno, Ok. on 3-11-77. g					
4-13	Order, fld., that the motion for modification of sentence of Deft. Cunningham is overruled. (AEB-J)v -cps. mld.					
5-10	Reporter's Transcript of Proceedings had on 11-19-76, Arraignment & Plea, filed. njb (GRD-Cert. Shthnd. Reporter)					
6-1	Order, filed & entered, modifying J&C of 2-24-77. Ordered that the deft. is committed to the custody of the Atty. Gen. for a period of 2 years and may become eligible for parole at such time as the Parole Commission may determine as provided in T. 18 U.S.C. §4205(b)(2). (AEB-J)k cps mld & to Warden, FCI, El Reno, OK					
6-23	Entry of appearance of Billy Jack Hendrix for the Deft. fld. ho					

For Identifying  
Periods of Excludable  
Delay Per 18  
U.S.C. 3161(h)A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244).B. NARA Examina-  
tion (28  
U.S.C. 2902).C. State or Federal  
trials on other  
charges.D. Interlocutory  
Appeals.E. Hearings on  
pretrial motions.F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40).G. Defendant Motion  
is actually  
under advisement.  
Period of  
up to 30 days  
is excludable  
per  
3161(h) (1) (G).H. Miscellaneous  
Proceedings:  
Probation or  
Parole revocation,  
Deportation,  
Extradition.I. Prosecution deferred by  
mutual agreement.M. Unavailability  
of defendant  
or essential  
witness.N. Period of mental  
or physical  
incompetence  
of defendant to  
stand trial.O. Period of  
NARA Commitment  
or Treatment.P. Superseding  
indictment  
and/or new  
charges.R. Defendant  
awaiting trial  
of co-defendant  
when no severance  
has been granted.T. Continuances  
Granted per  
3161(h) (8)  
(i.e. ends of  
justice or complexity  
of case outweighs  
defendants  
interests).U. Time between  
guilty plea and  
plea withdrawal.W. Grand Jury indictment  
extended per  
3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE 1977	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
6-23	Deft. mot. for reduction of sentence and admission to probation. fld. ho				
6-23	Deft. brief in supp. of mot. for reduction of sentence & admission to probation. fld. ho				
6-23	Order, fld. <sup>entered.</sup> it is ordered that the judgment and sentence entered on 2-24-77 & modified 6-1-77 is modified to the following: The Deft., James H. Cunningham, is hereby committed to the custody of the Attorney General or his authorized representative for a period of eight (8) months, with credit for time served. It is the intent of this order that James H. Cunningham be released from custody no later that 7-30-77. (AEB-J) cps mld. cpy. to Deft. by Dene.				
6-24	Order, fld. that the Rule 35 mot. for reduction of sentence of James H. Cunningham fld. 6-23-77, being moot, be overruled. (AEB-J) cps. mld. ho <i>cps to Deft by Dene</i>				
<u>1983</u> 3-24	EXHIBITS returned to counsel. hm				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				

AO-257

Interval  
(per Section II)

Start Date

End Date

Ltr.

Code

Total

Days

CRIMINAL DOCKET - U.S. District Court  
PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
OTHER MISDEMEANOR Mis ☐ Disp./Sentence  
FELONY Fel ☒ District Office 2-1-77

vs. WHIPKEY, Raymond Alfred  
622 W. Oak  
Drumright, Ok 74030  
(LAST, FIRST, MIDDLE) 918-352-2138

Case Filed  
Mo. Day  
11 09  
No. of Def's  
\* 08  
JUVENILE

76 - CR - 148 - 2

Yr. Docket No. Def.

U.S. TITLE/SECTION

18:371

OFFENSES CHARGED

ORIGINAL COUNTS

Conspiracy to Commit Offense or Defraud USA 1

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive  
Denied Set ☐ Pers. Recog.  
☐ PSA

\$ 5,000 conditions

Date 11-9-76 ☐ 10% Deposit

☒ Surety Bond /C

☐ Bail Not Made ☐ Collateral

☒ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

SUPERSEDING  
COUNTS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began 11-18-76 Summons Served First Appearance	High Risk Date Indict. Waived In Charging District Information 11-9-76 Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	11-18-76 1st Plea 11-18-76 Final Plea 1-17-77 <input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/> { G. Plea W/Drawn <input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL	Trial Set For Voor Dire <input type="checkbox"/> Trial Began <input type="checkbox"/> J <input type="checkbox"/> N Trial Ended

SENTENCE

Disposition of Charges  
2-1-77

☒ Convicted ☒ On All Charges

☐ Acquitted ☐ On Lesser \* Offense(s)

☐ Dismissed: ☐ WOP: ☐ WP

☐ On Govern'ts Motion

MAGISTRATE	
Search Warrant Issued Return Summons Issued Served Arrest Warrant Issued COMPLAINT OFFENSE (In Complaint)	DATE INITIAL/NO. INITIAL APPEARANCE DATE PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT Tape Number OUTCOME: <input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:

U.S. Attorney or Asst.

Nathan G. Graham, U.S. Attorney

ATTORNEYS

Defense: ☐ CJA ☒ Ret: ☐ Waived, ☐ Self, ☐ None / Other, ☐ PD, ☐ CD

Gene Stipe  
P.O. Box S  
McAlester, Ok 74501  
42-14-1  
ok City 2-20-9893

\* Show last names and suffix numbers of other defendants on same indictment/information:

1976 CUNNINGHAM(1), FLEWELLEN(3), MALLORY(4), FOWLER(5), MANAHAN, JR.(7) and WALKER(8).  
MANAHAN, SR.(6),

DATE (DOCUMENT NO.) PROCEEDINGS EXCLUDABLE DELAY  
(a) (b) (c) (d)

11-9 Record vote of the Grand Jury Concurring, fld. in Open Court. (Allen E. Barrow, Chief Judge)v 2 11-9-76 M

11-9 Indictment, filed in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v

11-10 Warrant issued. v

11-18 MO: Case set for arraignment & plea on 11-18-76, at 11:15 A.M. (AEB-J)b

11-18 Case called for arraignment & plea. Deft. present & rep. Govt. rep. by B. Baker. Deft. acknow. receipt of indict., is advised of charge & enters plea of NOT GUILTY. Deft. given 20 days to file motions & Govt. 10 days to respond. Deft. requests bond be reduced to \$5,000 O/R & Ct. approves. Travel will be restricted to Okla. Ct. orders pre-sent. report. Case set for trial on 1-17-76, at 9:30 A.M. Deft. remanded to USM. (AEB-J)b

11-18 Appear. bond in amt. of \$5,000 (personal), filed, w/Order spec. methods & conditions of release. b

11-24 W/for Arrest, ret. & filed: deft. Whipkey arrested 11-18-76.g

2 11-18-76 M 10

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
12-21	(DOCUMENT NO.)					
1-17-77	MO: Case set for jury trial 1-17-77, at 9:30 A.M. (AEB-J)b nts by cert ml w/affid. Case called for jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of nolo contendere. Govt. object. Ct. overrules & accepts plea of nolo & deft. is adjudged convicted as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sent. report. Sentence set on 2-1-77, at 10:00 A.M. Bond cont'd. (AEB-J)b					
2-1	Case called for sentencing. Deft. present & rep. Govt. rep. by Nathan Graham. Deft. & Counsel asked if they care to say anything before sent. is pronounced & no cause to the contrary being shown: JUDGMENT AND ORDER OF PROBATION - RAYMOND ALFRED WHIPKEY Ct. 1 - Imposition of Sentence is Suspended and the Defendant is placed on Probation for a period of <u>FIVE (5) YEARS</u> , with supervision. Defendant Whipkey is to make <u>restitution</u> payments to the Clerk, U.S. Dist. Ct., N.D. of OK, in the amount of \$5,000.00, payable \$1,000.00 a year, on behalf of Texoma Pipeline. Deft. Whipkey is to continue with the Alcoholics Anonymous program. Bond exonerated. (AEB-J)v					
2-1	Judgment and Order of Probation, filed and entered. (AEB-J)v					
2-1	Two cc of J&P to U.S. Prob. Office. v					
2-7	Reporter's transcript of sentencing proceedings on 2-1-77, filed. (GRD-CSR)g					
5-20	Deft. mot. for reduction of sentence. fld. ho					
5-24	Order, filed, overruling motion for reduction of sentence. (AEB-J)g cp mld.					
8-16	Reporters transcript of proceedings had on 1-17-78 plea of Nolo Contendere, before Judge Allen E. Barrow. (GRD-CSR)ho 34 pgs.					
11-19-80	REPORT AND ORDER TERMINATING PROBATION PRIOR TO ORIGINAL EXPIRATION DATE. (HDC-J)mm					

- For Identifying  
Periods of Exclud-  
able Delay Per 18  
U.S.C. 3161(h)
- A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244).
- B. NARA Exami-  
nation (28  
U.S.C. 2902).
- C. State or Federal  
trials on other  
charges.
- D. Interlocutory  
Appeals.
- E. Hearings on  
pretrial motions.
- F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40).
- G. Defendant Mo-  
tion is actually  
under advise-  
ment. Period of  
up to 30 days  
is excludable  
per  
3161(h) (1) (G).
- H. Miscellaneous  
Proceedings:  
Probation or  
Parole revoca-  
tion, Departa-  
tion,  
Extradition.
- I. Prosecution de-  
ferred by  
mutual agree-  
ment.
- M. Unavailability  
of defendant  
or essential  
witness.
- N. Period of men-  
tal or physical  
incompetence  
of defendant to  
stand trial.
- O. Period of  
NARA Com-  
mitment or  
Treatment.
- P. Superseding  
indictment  
and/or new  
charges.
- R. Defendant  
awaiting trial  
of Co-defen-  
dant when no  
severance has  
been granted.
- T. Continuances  
Granted per  
3161(h) (8)  
(i.e. ends of  
justice or com-  
plexity of case  
outweighs de-  
fendants'  
interests).
- U. Time between  
guilty plea and  
plea with-  
drawal.
- W. Grand Jury in-  
dictment ex-  
tended per  
3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
12-13-77	1000.00	12-26-79 1,000.00			
12-27-78	\$1,000.00	2-13-80 1,000.00 pd Texoma			
2-6-79	\$2,000.00 pd	11-17-80 2,000.00			
		12-16-80 2,000.00 pd in full			

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence  
 FELONY Fel ☒ District Office 2-15-77

vs. FLEWELLEN, Fred  
 Box 355, Wellston, OK 74881  
 (405-356-2717)  
 (LAST, FIRST, MIDDLE)

Case Filed  
 Mo. Day  
 11 09  
 No. of Def's  
 \* 08

76 - CR - 148 - 3  
 Yr. Docket No. Def.

U.S. TITLE/SECTION  
 18:371

OFFENSES CHARGED  
 Conspiracy to Commit Offense or Defraud USA 1

ORIGINAL COUNTS

Surety: International Fidelity Insur. Co.  
 217 N. Harvey Ave., OK City 73102  
 (405-235-6695)

SUPERSEDING  
 COUNTS

## II. KEY DATES & INTERVALS

ARREST or	INDICTMENT <input checked="" type="checkbox"/>	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 11-18-76	High Risk Date 11-9-76	12-8-76	Trial Set For	Disposition of Charges 2-15-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 12-8-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted
First Appearance	In Charging District	Final Plea 1-24-77	Trial Began <input type="checkbox"/>	<input type="checkbox"/> On All Charges
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL	Trial Ended <input type="checkbox"/>	<input type="checkbox"/> On Lesser * Offense(s)
		<input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL		<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Govern'ts Motion

MAGISTRATE		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued					<input type="checkbox"/> DISMISSED
	Return					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
	Served					
Arrest Warrant Issued						
COMPLAINT						
OFFENSE (In Complaint)						

U.S. Attorney or Asst.

## ATTORNEYS

Defense: ☐ CJA ☒ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Nathan G. Graham  
 U.S. Attorney

Don Hamilton  
 800 Cravens Building, 119 N. Robinson  
 Oklahoma City, OK 73102

405-232-8185

\* Show last names and suffix numbers of other defendants on same indictment/information:

-1976- CUNNINGHAM(1), WHIPKEY(2), MALLORY(4), FOWLER(5), MANAHAN, SR.(6)

MANAHAN, JR.(7) and WALKER(8).

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
11-9		Record vote of the Grand Jury Concurring, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	2 11-9-76 M
11-9		Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v	
11-10		Warrant issued. v	
11-30		Rec'd and filed, transcript from U.S. Dist. Ct., W.D. of OK. W.D. entries shown below:	
11-18-76		Filed order spec meth & cond of release (JONES)	
"		" App Bond in amt of \$5000 c/s & dft released from custody (apprvd JONES)	
"		All papers forwarded to clerk, N.D.-OK (tr)	
11-30		MO: Case set for ARRAIGNMENT & PLEA on 12-8-76, Wed., at 11:00 a.m. DEFT. granted 10 days to file any & all pretrial mots.; Govt. will then have 5 days to file response. (AEB-J)v -notices mld. cert.	

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	
12-3-76 12-8	(DOCUMENT NO.) W/Arrest, ret. & filed: deft. arrested 11-22-76. g Case called for arraignment & plea. Deft. present & rep. Govt. rep. by H. Bryant for Graham. Deft. acknow. receipt of indict., is advised of charge & enters plea of NOT GUILTY. Case set for trial on 1-17-77, at 9:30 A.M. Deft. requests permission to travel in connection w/business. Ct. allows. Bond cont'd. (AEB-J)b		2	12-8-76	M	30	A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
12-13	Motion for Discovery and Inspection, and for the Production of Evidence Favorable to the Accused under Rule 16, filed. lm						B. NARA Examination (28 U.S.C. 2902).
12-13	Brief in Support of Motion for Discovery and Inspection, filed. lm						C. State or Federal trials on other charges.
12-22	MO: Case set for jury trial on 1-17-77, at 9:30 A.M. (AEB-J)b nts by cert ml w/affid.						D. Interlocutory Appeals.
12-29	Pltf's resp. to defts' motion under Rule 16, filed. ph		3	12-29-76	G		E. Hearings on pretrial motions.
1-7-77	Order, filed, Overruling motion/of Deft. for discovery & inspection. (AEB-J)b cps mld		3	1-7-77	G	10	F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
1-12	Affidavit of Don Hamilton, atty. for deft., in re of req. instructions, req. voir dire, and trial briefs, filed. s Cy to Dene						G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
1-17	Indict. read. Case called for jury trial. Deft. present & rep. Govt. rep. Trial passed to 1-19-77, at 10:00 A.M., for selection of jury & trial. (AEB-J)b						H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
1-18	Case passed to 1-20-77, at 10:00 A.M., for selection of jury & trial. (AEB-J)s ntc. by telephone						I. Prosecution deferred by mutual agreement.
1-19	Case passed to 1-24-77, at 10:00 A.M., for selection of jury & trial. (AEB-J)b nts by phone						M. Unavailability of defendant or essential witness.
1-24	Case called for jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of Nolo Contendere. Govt. objects. Ct. overrules & accepts plea of Nolo & Deft. is adjudged convicted as charged. Deft. waives jury; waiver signed & filed in open court. Sentence set on 2-15-77, at 10:00 A.M. Ct. orders pre-sent. report. Bond cont'd. (AEB-J)b						N. Period of mental or physical incompetence of defendant to stand trial.
2-15	Case called for sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Fred Flewellen Impos. of sentence is suspended & deft. is placed on probation for period of Three (3) years. Special condition of probation is that deft. make restitution to Ct. Clk in amt. of \$1,000.00 w/in two (2) years from this date for payment to Texoma Pipe Line. Bond exonerated. (AEB-J)b						O. Period of NARA Commitment or Treatment.
2-15	Judgment & Order of Probation, filed & entered. (AEB-J)b						P. Superseding indictment and/or new charges.
2-15	Two c/c of J & Ord. of Prob. to probation. b						R. Defendant awaiting trial of Co-defendant when no severance has been granted.
3-4	Copy of Reporter's transcript of proceedings had on 2-15-77, filed. b(GRD-CSR)						T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants interests).
							U. Time between guilty plea and plea withdrawal.
							W. Grand Jury indictment extended per 3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
2-18-77	2319 \$50.00	6-9-77 50.00	4-12-78	150.00	
3-18-77	\$50.00	10-7-77 50.00	8-30-78	250.00	
4-14-77	\$50.00	1-24-78 250.00	2-6-79	1,000.00 pd	
5-20-77	50.00	5-22-78 100.00			



PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence  
 FELONY Fel ☒ District Office 2-15-77

vs. MALLORY, Harry Leon  
 6512 N. Ann Arbor Ave.  
 OK City, OK 73132 (405/722-4249)  
 (LAST, FIRST, MIDDLE)

Case Filed  
 Mo. Day

No. of Def's

\* 08

76 - CR - 148 - 4

Yr. Docket No. Def.

U.S. TITLE/SECTION

18:371

OFFENSES CHARGED

Conspiracy to Commit Offense or Defraud USA

ORIGINAL COUNTS

1

Surety: International Fidelity Insur. Co.  
 217 N. Harvey Ave., OK City 73102  
 (405/235-6695)

U.S. MAG.  
 CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied Set ☐ Pers. Recog.

\$ 5,000 conditions

Date 11-9-76 ☒ 10% Deposit  
☒ Surety Bond/C

☐ Bail Not Made ☐ Collateral  
☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

## II. KEY DATES & INTERVALS

ARREST or	INDICTMENT <input checked="" type="checkbox"/>	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 11-18-76	High Risk Date 11-9-76	12-8-76	Trial Set For	Disposition of Charges 2-15-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 12-8-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted
First Appearance	In Charging District	Final Plea 1-24-77	Trial Began <input type="checkbox"/>	<input type="checkbox"/> On All Charges
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL G. Plea { W/Drawn	Trial Ended <input type="checkbox"/>	<input type="checkbox"/> On Lesser * Offense(s)
		<input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL		<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Governm'ts Motion

MAGISTRATE		OUTCOME:
Search Warrant	Issued	<input type="checkbox"/> DISMISSED
	Return	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
	Served	
Arrest Warrant Issued		
COMPLAINT		
OFFENSE (In Complaint)		

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA ☒ Ret. ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Nathan G. Graham  
 U.S. Attorney

Don Hamilton  
 800 Cravens Building, 119 N. Robinson  
 Oklahoma City, OK 73102 202 8185

\* Show last names and suffix numbers of other defendants on same indictment/information:

-1976- CUNNINGHAM(1), WHIPKEY(2), FLEWELLEN(3), FOWLER(5), MANAHAN, SR.(6), MANAHAN, JR.(7) and WALKER(8).  
 DATE (DOCUMENT NO.) PROCEEDINGS EXCLUDABLE DELAY  
 (a) (b) (c) (d)  
 11-9 Record vote of the Grand Jury Concurring, fld. in Open Court. 2 11-9-76 M  
 (Allen E. Barrow, Chief Judge)v  
 11-9 Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v  
 11-10 Warrant issued. v  
 11-18 Appearance Bond of Deft. , \$5,000, surety, fld. w/conditions.  
 11-30 Rec'd transcript from U.S. Dist. Ct., W.D. of OK, this date, & fld. W.D. entries shown below:  
 DATE (DOCUMENT NO.) PROCEEDINGS  
 11-18-76 Filed order spec meth & cond of release (JONES)  
 " " App Bond in amt of \$5000 c/s & dft released from custody (apprvd JONES)  
 " All papers forwarded to clerk, N.D.-OK (tr)  
 11-30 MO: Case set for ARRAIGNMENT & PLEA on 12-8-76, Wed., at 11:00 a.m. Deft. granted 10 days to file any & all pretrial mots.; Govt. will then have 5 days to file response. (AEB-J)v -notices mld. cert.

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				Total Days (d)	For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161 (h)
			Interval Section II (a)	Start Date (b)	End Date (b)	Ltr. Code (c)		
12-8	(DOCUMENT NO.) Case called for arraignment & plea. Deft. present & rep. Govt. rep. by Bryant for Graham. Deft. acknow. receipt of indict., is advised of charge & enters plea of NOT GUILTY. Case set for trial 1-17-77, at 9:30 A.M. Bond continued. Deft. requests permission to travel to Colo. & Texas. Ct. allows travel on business only. (AEB-J)b		2	12-8-76		M	30	A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
12-13	Motion for Discovery and Inspection, & for the production of Evidence Favorable to the Accused under Rule 16, filed. 1m <i>copy to Dene</i>							B. NARA Examination (28 U.S.C. 2902).
12-13	Brief in Support of Motion for Discovery and Inspection, filed. 1m <i>copy to Dene</i>							C. State or Federal trials on other charges.
12-22	MO: Case set for jury trial on 1-17-77, at 9:30 A.M. (AEB-J)b nts by cert ml w/affid.							D. Interlocutory Appeals.
12-29	Pltf's resp. to defts' mo/under Rule 16, filed. ph		3	12-29-76		G		E. Hearings on pretrial motions.
1-7	Order, filed, overruling deft's motion w/out prejudice, for discovery & inspection. (AEB-J)b cps mld		3	1-7-77		G	10	F. Transfers from other districts (per F.R. Cr.P. Rules 20, 21 & 40).
1-12	Affidavit of Don Hamilton, atty. for deft., filed in re of requested instructions, req. voir dire, and trial brief, filed. s Cy to Dene							G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
1-17	Case called for jury trial. Deft. present & rep. Govt. rep. Trial passed to 1-19-77, at 10:00 A.M., for jury selection & trial. (AEB-J)b							H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
1-18	Case passed to 1-20-77 at 10:00 A.M., for jury selection & Trial. (AEB-J)s ntc. by telephone							I. Prosecution deferred by mutual agreement.
1-19	Case passed to 1-24-77, at 10:00 A.M., for jury selection & trial. (AEB-J)b nts by phone							M. Unavailability of defendant or essential witness.
1-24	Case called for jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of Nolo Contendere. Govt. objects. Ct. overrules & accepts Nolo plea & Deft. is adjudged convicted as charged. Deft. waives jury; waiver signed & filed in open ct. Ct. orders pre-sent. report. Sentence set on 2-15-77, at 10:00 A.M. Bond cont'd. (AEB-J)b							N. Period of mental or physical incompetence of defendant to stand trial.
2-15	Case called for sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Harry Leon Mallory Impos. of sentence is suspended & deft. is placed on probation for period of three (3) years. Spec. condition of probation is that deft. make restitution to Ct. Clk in amt of \$5,000 w/in 2½ yr. from this date for payment to Texoma Pipe Line. Bond exonerated. (AEB-J) b							O. Period of NARA Commitment or Treatment.
2-15	Judgment & Order of Probation, filed & entered. (AEB-J)b							P. Superseding indictment and/or new charges.
2-15	Two c/c of J & Ord. of Prob. to probation. b							R. Defendant awaiting trial of Co-defendant when no severance has been granted.
3-4	Copy of Reporter's transcript of proceedings had on 2-15-77, filed. b (GRD-CSR)							T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
								U. Time between guilty plea and plea withdrawal.
								W. Grand Jury indictment extended per 3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
6-2-77	\$500.00	6-26-80 \$4,000 pd in full			
9-8-78	500.00	to Texoma Pipeline Co.			
2-6-79	\$1,000.00 pd				
2-14-80	4,000.00	pd in full			

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
 OTHER MISDEMEANOR Mis ☐ District Office 5-9-77  
 FELONY Fel ☒

vs. FOWLER, Bobby Joe  
 7533 NW 6th St. Apt. 245  
 Ok. City, OK 73127  
 PH: 405-787-3985  
 (LAST, FIRST, MIDDLE)

Case Filed  
 Mo. Day  
 11 09  
 No. of Def's  
 \* 08  
 JUVENILE

76 - CR - 148 - 5

Yr. Docket No. Def.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

18:371

Conspiracy to Commit Offense or Defraud USA 1

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied Set ☐ Pers. Recog.  
☐ PSA  
 \$ 5,000 conditions

Date 11-9-76  
☐ 10% Deposit  
☒ Surety Bond /C  
☐ Collateral  
☐ 3rd Prty Cust Other  
☐ Bail Not Made  
☐ Status Changed (See Docket)

## II. KEY DATES &amp; INTERVALS

SUPERSEDING  
COUNTS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 1-5-77 Summons Served First Appearance	High Risk Date Information <input type="checkbox"/> 11-9-76 Indict. Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/> In Charging District	1-5-77 1-5-77 Final Plea 1-17-77 1st Plea 1-5-77 NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL W/Drawn	Trial Set For 1-17-77 Voir Dire <input type="checkbox"/> Trial Began <input type="checkbox"/> Trial Ended	Disposition of Charges 5-9-77 X Convicted On All Charges <input checked="" type="checkbox"/> On Lesser * Offense(s) <input type="checkbox"/> Acquitted <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP On Governm'ts Motion <input type="checkbox"/>

MAGISTRATE		OUTCOME:
Search Warrant	Issued Return	<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
Summons	Issued Served	
Arrest Warrant Issued		
COMPLAINT		
OFFENSE (In Complaint)	DATE INITIAL/NO. INITIAL APPEARANCE DATE PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT Tape Number	

U.S. Attorney or Asst.

## ATTORNEYS

Defense: ☒ CJA ☐ Ret. ☐ Waived ☐ Self ☐ None / Other, ☐ PD, ☐ CD

Nathan G. Graham  
 U.S. Attorney

Phil Frazier  
 1424 Terrace Drive  
 Tulsa, Ok  
 939-2445

\* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	PROCEEDINGS	EXCLUDABLE DELAY
(DOCUMENT NO.)		(a) (b) (c) (d)
-1976-	CUNNINGHAM(1), WHIPKEY(2), FLEWELLEN(3), MALLORY(4), MANAHAN, JR.(7) and WALKER(8). MANAHAN, SR.(6),	
11-9	Record vote of the Grand Jury concurring, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	2 11-9-76 M
11-9	Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v	
11-10	Warrant issued. v	
1-3	MO: Case set for arraignment & plea on 1-5-77, at 10:00 A.M. (AEB-J)b nts by phone	
1-3	Rec'd transcript of proceedings from Dist. of Nevada, fld. Including: Return on warrant of arrest. Deft. arrested 12-14-76 in Henderson, Nevada. Order ordering Deft. to appear in N.D. of OK on 1-13-77 at 10:00 a.m. cc of the Criminal Docket. v	
1-5-77	Case called for arraignment. Deft. present & rep. Govt. rep. Deft. acknow. receipt of indict., is advised of charge, is arraigned & enters plea of NOT GUILTY to Indict. Case set for trial 1-17-77, 9:30 A.M. Deft. given 10 days to file motions; Govt. 3 days to respond. OVER	2 1-5-77 M 58

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
	(DOCUMENT NO.)					
1-5	Ct. states this case will be called last on the dkt. of 1-17-77. Deft. remanded to USM, until bond matter is taken care of. (AEB-J)b Upon checking w/Magistrate office in Las Vegas Clk's office advised Deft. did make bond there & is being mld to our office this date, & Deft. is released. b MO: Case set for jury trial on 1-17-77, 9:30 A.M. (AEB-J)b nts by cert ml					
1-10	Appearance Bond of Deft. Fowler in the amount of \$5,000.00, surety, w/conditions of release, rec'd & fld. this date. Bond made 12-14-76. v					
1-17-77	Case called for jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of GUILTY to indict., & is adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sent. report. Sentence set on 2-1-77, at 10:00 A.M. Bond cont'd. (AEB-J)b					
2-1	Case called for sentencing. Deft. present and rep. Govt. rep. by Nathan G. Graham. Deft. & counsel asked if they care to say anything before sent. is pronounced, and no cause to the contrary being shown: <u>JUDGMENT AND SENTENCE - BOBBY JOE FOWLER</u> Ct. 1 - Deft. Fowler is sentenced to the custody of the Atty. General for a maximum period of FIVE (5) YEARS as to Ct. 1, for a study as described in 18, U.S.C., Section 4205(d), the results of such study to be furnished this Court within 90 days, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with T. 18, U.S.C., Section 4205(c). Sentence is deferred until 2-15-77 at 9:30 a.m. when Deft. Fowler is to report to the U.S. Marshal, N.D. of OK. Bond continued until then. (AEB-J)v					
2-1	Judgment and Sentence, filed and entered. (AEB-J)v					
2-1	Two cc of J&S to U.S. Marshal. v					
2-1	Two cc of J&S to U.S. Prob. Office. v					
2-7	Reporter's transcript of sentencing proceedings on 2-1-77, filed. (GRD-CSR)g					
2-24	J&C, ret. & filed: deft. Fowler delivered to USP, Leavenworth, Ks. on 2-17-77. g					
5-2	MO: Case set for definitive sentence on May 9, 1977, at 10:00 A.M. (AEB-J)b nts mld					
5-9	Case called for definitive sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Bobby Joe Fowler The Impos. of sentence is suspended & deft. is placed on probation for period of Five (5) years. Spec. condition of prob. are that deft. make restit. to Ct. Clk in amt of \$1,200.00 for payment to Texoma Pipeline. Payments to begin two months from this date (July 9, 1977). Deft. is not to assoc. w/criminals					

For Identifying  
Periods of Exclud-  
able Delay Per 18  
U.S.C. 3161(h)A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244).B. NARA Exam-  
ination (28  
U.S.C. 2902).C. State or Federal  
trials on other  
charges.D. Interlocutory  
Appeals.E. Hearings on  
pretrial motions.F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40).G. Defendant Mo-  
tion is actually  
under advise-  
ment. Period of  
up to 30 days  
is excludable  
per  
3161(h) (1) (G).H. Miscellaneous  
Proceedings,  
Probation or  
Parole revoca-  
tion, Deporta-  
tion,  
Extradition.I. Prosecution de-  
ferred by  
mutual agree-  
ment.M. Unavailability  
of defendant  
or essential  
witness.N. Period of men-  
tal or physical  
incompetence  
of defendant to  
stand trial.O. Period of  
NARA Com-  
mitment or  
Treatment.P. Superseding  
indictment  
and/or new  
charges.R. Defendant  
awaiting trial  
of Co-defen-  
dant when no  
severance has  
been granted.T. Continuances  
Granted per  
3161(h) (8)  
(i.e. ends of  
justice or com-  
plexity of case  
outweighs de-  
fendants  
interests).U. Time between  
guilty plea and  
plea with-  
drawal.W. Grand Jury in-  
dictment ex-  
tended per  
3161 (b).

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
7-6-77	\$100.	2-6-79 \$400.00 pd.	11-7-79 \$600.00 pd.		
8-8-77	100.	PA 100.00	4-30-79		
9-8-77	100.	5-18-79 100.00	1-29-81	\$200-	
10-7-77	100.	6-27-79 100.00	3-27-81	200.00 pd	
		7-27-79 100.00			
		8-29-79 100.00			
		10-10-79 100.00			

(Cont'd)

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-9- cont'd.	(Document No.) and to marry common law wife. Supervision is to be transferred to Western Dist. of Ok. This court will retain jurisdiction. (AEB-J)b				
5-9	Judgment & Order of Probation, filed & entered, (AEB-J)b				
5-9	Two c/c of J & Ord. of Probation to probation office, b				
4/30/79	Copy of order from U.S. Dist. Ct., W.D. of OK, transferring restitution payment to N.D. of OK, fld. \$100.00 check attached. v <i>copy relayed to PROB &amp; CAC</i>				
8-18-83	REPORTER'S TRANSCRIPT of proceedings had on 11-18-76 Arraignment before Judge Barrow. (GRD-REPORTER, 16 pages) dm				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
	(Document No.)	(a)	(b)	(c)	(d)

AO-257

Interval  
(per Section II)

Start Date

End Date

Ltr.

Code

Total

Days

COOK

PETTY OFFENSE ☐ JUDGE/MAGISTRATE Assigned ☐ U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8510 vs. MANAHAN, Alta Kirk, Sr. 56  
 OTHER MISDEMEANOR Mis ☐ 2-1-77 2916 Whipewill  
 FELONY Fel ☒ District Office 2-1-77 PH: 234-3634  
 (LAST, FIRST, MIDDLE)

Case Filed  
Mo. Day  
11 09  
No. of Def's  
\* 08

76 - CR - 148 - 6

Yr. Docket No. Def.

U.S. TITLE/SECTION SUPPL 5/22/79 OFFENSES CHARGED

ORIGINAL COUNTS

18:371

Conspiracy to Commit Offense or Defraud USA 1  
 (\$10,000.00 and/or 5 Yrs.)

Mot. for Reduction

Pro Se

P. O. Box 1000

Seagoville, TX 75159

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ Denied ☐ AMT ☐ Fugitive  
☐ Set ☐ Pers. Recog.  
☐ PSA

\$ 5,000 conditions  
 Date 11-9-76 ☐ 10% Deposit  
☒ Surety Bond /C

☐ Bail Not Made ☐ Collateral  
☒ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

## II. KEY DATES &amp; INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 11-18-76	High Risk Date 11-9-76	11-18-76	Trial Set For 11-18-76	Disposition of Charges 2-1-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 11-18-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> On All Charges
First Appearance	In Charging District	Final Plea 1-17-77	Trial Began <input type="checkbox"/>	<input type="checkbox"/> On Lesser * Offense(s)
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL G. Plea W/Drawn	Trial Ended	<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
		<input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL		<input type="checkbox"/> On Government's Motion

## MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED
Arrest Warrant Issued	Served			Date Scheduled		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
COMPLAINT				Date Held		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
OFFENSE (In Complaint)				<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED	Tape Number	
				<input type="checkbox"/> INTERVENING INDICTMENT		

U.S. Attorney or Asst.

## ATTORNEYS

Defense: ☐ CJA ☒ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Kenneth P. Snoke Page Belcher Jr Gene Stipe Irvine Ungerman & Stephen Jones  
 Nathan G. Graham 410 Bass Bldg. P.O. Box S 1710 4th Nat'l P.O. Box 3339  
 Asst. U.S. Attorney Enid, OK 73701 McAlester, OK 74501 Tulsa, OK 74119 Enid, OK 73701  
 405-233-4321

\* Show last names and suffix numbers of other defendants on same indictment/information:

MANAHAN, JR. (7) and WALKER (8).

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
11-9	CUNNINGHAM (1), WHIPKEY (2), FLEWELLEN (3), MALLORY (4), FOWLER (5),	Record vote of the Grand Jury Concurring, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	2 11-9-76 M
✓ 11-9		Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v	
11-10		Warrant issued. v	
11-17		MO: Case set for arraignment & plea on 11-18-76, at 11:15 A.M. (AEB-J)b	
✓ 11-18		Case called for arraignment & plea. Deft. present & rep. Govt. rep. by Br. Baker. Deft. acknow. receipt of indict., is advised of charge & enters plea of NOT GUILTY. Deft. given 20 days to file motions & Govt. 10 days to respond. Deft. requests bond be reduced to \$5,000 O/R. Ct. approves & travel will be restricted to Okla. Deft. requests pre-sent. report & Ct. so orders. Case set for trial on 1-17-77, 9:30 AM. Deft. remanded to USM. (AEB-J)b	
11-18		Appear. bond in amt. of \$5,000 (personal), filed, w/Order spec. methods & conditions of release. b	
11-24		W/Arrest, ret. & filed: deft. Manahan arrested 11-18-76. g	2 11-18-76 M 10

DATE	(DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)
				Interval Section 11 (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	
12-22		MO: Case set for jury trial on 1-17-77, at 9:30 A.M. (AEB-J)b nts by cert ml w/affid.						A. Examination or hearing for mental or physical incapacity (16 U.S.C. 4244).
✓ 1-17-77		Case called for jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of Nolo Contendere. Govt. objects. Ct. overrules & accepts plea of Nolo, & deft. is adjudged convicted as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre-sent. report. Sentence set on 2-1-77, at 10:00 A.M. Bond cont'd. (AEB-J)b						B. NARA Examination (28 U.S.C. 2902).
✓ 2-1		Case called for sentencing. Deft. present and rep. Govt. rep. by Nathan Graham. Deft. and Counsel asked if they care to say anything before sent. is pronounced & no cause to the contrary being shown:						C. State or Federal trials on other charges.
✓		<u>JUDGMENT &amp; ORDER OF PROBATION</u> -ALTA KIRK MANAHAN, SR. Ct. 1 - Imposition of Sentence is Suspended and the Defendant is placed on probation for a period of <u>FIVE (5) YEARS</u> , with supervision.						D. Interlocutory Appeals.
		Deft. Manahan, Sr., is to make Restitution in the amount of \$50,000.00 over the next four years at the rate of \$12,500.00 a year, payable to the Clerk, U.S. Dist. Ct., N.D. of OK, for Texoma Pipeline.						E. Hearings on pretrial motions.
		Deft. Manahan, Sr., is not to engage in any unlawful matters. Bond exonerated. (AEB-J)v						F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
2-1		Judgment and Order of Probation, filed and entered. (AEB-J)v						G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
2-1		Two cc of J&P to U.S. Prob. Office. v						H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
✓ 2-7		Reporter's transcript of sentencing proceedings on 2-1-77, filed. (GRD-CSR)g						I. Prosecution deferred by mutual agreement.
2-22		Motion for reduction of sentence. fld ho						M. Unavailability of defendant or essential witness.
2-22		Brief in support of motion for reduction of sentence. fld ho						N. Period of mental or physical incompetence of defendant to stand trial.
4-13		Order, fld., that the mot. for modification of sentence of Deft. Manahan, Sr., is overruled. (AEB-J)v -cps. mld.						O. Period of NARA Commitment or Treatment.
✓ 8-16		Reporters transcript of proceedings had on 1-17-78 plea of Nolo Contendere, before Judge Allen E. Barrow. (GRD-CSR)ho 34pgs.						P. Superseding indictment and/or new charges.
✓ 1-24-79		Application & order for issuance of a warrant for the arrest of deft. Manahan, filed. (AEB-J)v w/i						R. Defendant awaiting trial of Co-defendant when no severance has been granted.
1-25-79		Deft. appears before Mag. Rizley & is rep. by Irvine Ungerman & Stephen Jones. Deft. released on \$5,000 10% bash bond. Preliminary hearing before Magistrate set for 2-15-79, at 10:00 A.M. (RSR-Mag) b						T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendant's interests).
1-25-79		Appearance bond in amt of \$5,000 10%, filed, w/order spec. methods & conditions of release. b						U. Time between guilty plea and plea withdrawal.
1-26		MO: Case set for preliminary hrg. on 2-15-79, 10:00 A.M. (RSR-Mag) b nts by KT						W. Grand Jury indictment extended per 3161 (b).
2/1/79		Return on Warrant for Arrest of Probationer, filed. Executed by arresting Deft. Manahan, Sr., on 1/25/79.						

## FINE AND RESTITUTION PAYMENTS Bond made. v

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
1-20-78	12,500.00	1-18-79 37,500.00			
2-13-78	12,500.00 pd to Texoma Pipeline	2-6-79 37,500.00 pd			



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs ALTA KIRK MANAHAN, SR.

BARROW

76 - CR -148-06  
Yr. Docket No. Def.

DATE 79	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
2/13	Response to mot. to revoke probation, filed. v				
2/14	Return on subpoenas to Testify, filed. Served Henry				
2-15-79	Hussey and Kenneth Bloesser in OK City, OK, on 2/12/79.v				
	Case called for preliminary hearing before Mag.				
	Rizley. Deft. pres. & rep. Govt. rep. Govt. witness				
	Rod Baker sworn & testified. Deft's witness Kenneth				
	Bloeser was sworn & testified. The Court finds				
	probable cause that the deft. violated the conditions				
	of his probation as alleged.(RSR-Mag) b				
2-21-79	MO: Case set for hearing on revocation of probation				
	on 3-6-79, 2:00 P.M.(AEB-J)b nts mld				
3-2-79	MO:It is Ordered that hrg. on rev. of probation is				
	stricken from 3-6-79, to be reset.(HDC-J)b nts mld				
3-8-79	MO: Case is set for hrg. on revocation of probation				
	on 4-4-79, 9:30 A.M.(HDC-J)b nts mld				
3-14-79	MO:Case is transferred to Judge H.Dale Cook(HDC-J)b				
3-19	MO: Hrg set for 4-4-79 hereby STRICKEN AND RESET				
	FOR HRG ON REV. OF PROBATION ON 4-2-79 at 9:30 a.m.				
	(HDC-J)ra notice mld				
3-19	Transcript of proceedings had on 2-15-79, test. of				
	Kenneth Bloeser,fld(AH-CSR) b				
3-20	Subs. ret. & fld: served Carl R. Arbogast & Earlene E. King 2-27-79;				
	Anthony Massad 3-2-79; Dale Y. Perkins 3-5-79. g				
3-21	Motion for Discovery & Inspection of documents, fld.b				
3-21	Brief in support of motion for discovery & inspect. cp to J				
	of documents,fld. b cp to J				
3-22	Pltf. mot. to continue rev. of prob. hrg., fld. ho				
	O to J.				
3-23	Order, fld. that revocation of probation hrg. set				
	on 4-4-79 be stricken & RESET on 4-20-79, at 9:00				
	A.M.(HDC-J)b cps mld				
3-27	Deft. mot. to continue rev. hrg. until after 5-1-79,				
	fld. ho				
3-28-79	MO: It is hereby order that rev. of prob. hrg. is				
	stricken from 4-20, & reset on 5-21-79, at 1:30 P.M.				
	(HDC-J)b nts mld				
3-29-79	Deft. mot. to dismiss revocation of prob. proceedings.				
	w/affid. of Larry W. Wall, fld. ho				
3-29	Deft. memorandum of law in supp. of mot. to dismiss				
	revocation of prob. proceedings & further supp. of				
	opposition to Pltfs. mot. for an order revoking				
	Defts. prob.-fld. ho				
3-29	Deft. mot. fordisclosure of Electronic or other				
	surveillance, & to suppress evidence, w/affid. of				
	Alta Kirk Manahan, Sr.; Stephen Jones, fld. ho				
3-29	Deft. memorandum in supp. of mot. for disclosure				
	of electronic or other surveillance, & to suppress				
	evidence, fld. ho				
3-29	Deft. mot. to produce exculpatory evidence, fld. ho				
3-29	Deft. memorandum of law in supp. of Deft. mot. to				
	produce exculpatory evidence, fld. ho				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

Deft. Manahan, Sr.

DATE '79	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3-29	MO: Pltf. is ordered to file a response to Deft. 1) Mot. to dismiss, 2) Mot. for disclosure of electronic or other surveillance, & to suppress evidence, 3) Mot. to produce exculpatory evidence. on or before 4-5-79. (HDC-J)ho c/m				
4-5	Pltf's response & brief in response to deft's mot/ discovery & inspection, filed.k				
4-5	Pltf's mot/ext. of time to respond to pre-hrg. mots, filed.k				
4-6	Order, filed, granting pltf. until 4-19-79 to respond to deft's pre-hrg. mots. fld. 3-29-79. (HDC-J)k cps/mov s/7 4/11				
4/12	Response in Opposition to Pltf.'s response & brief in resp. to Deft.'s mot. for discovery and inspection, filed. v				
4-19	Pltf's opposition & brief in opposition to deft's mot/dismiss, filed.k				
4-20	Pltf. response to Deft. mot. for disclosure of electronic or other surveillance, & to suppress evidence, w/affid. of Paul W. Clark & Carl R. Arbogast, fld. ho				
4-20	Ret. on subs., fld. served Dale Y. Perkins, Carl R. Arbogast & unserved Anthony Massad. ho				
4/23	Response and Brief in Resp. to Deft. Manahan's Mot. to Produce exculpatory evidence, filed. v				
4/26	Reply to Govt.'s resp. to Deft.'s mot. to produce ex- culpatory evidence, filed. v cc: US Atty, Ungerman				
4-27	Order, fld, that deft's motin for discovery & inspec- tion of documents is overruled. The Court's previous conclusion w/respect to exculpatory evidence also requires the overruling of deft's motion to produce exculpatory evidence. (HDC-J)b cps mld				
5-8	Entry of appearance of Page Belcher, Jr., as deft. co-counsel.k				
5-16	MOT/QUASH subpoena duces tecum issued to Carl Arbo- gast by pltf.k				
5-16	BRIEF in support of pltf's mot/quash subpoena.k				
5-17	MEMORANDUM of law by Deft. in opposition to Pltfs. mot. to show cause why Defts. probation should not be revoked. ho				
5-18	MOTION in Limine of Govt.b				
5-18	BRIEF in support of Mot/Limine. b				
5-21	MEMO. in support of req. to permit deft's atty to testify. b				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs ALTA KIRK MANAHAN, SR.

76 - 00148 - 06

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-21-79	(Document No.) EVID. HRG. held on revocation of probation. Deft. present & rep.; govt. rep. Prob. Officer, Rod Baker, makes report to Court. Deft. states he wishes an evid. hrg. Govt. witnesses sworn & testify: David F. Pratt, Bill Ashford, Dale Y. Perkins, Janie Travis; (Deft. counsel moves to strike test. of Janie Travis; Earlene King, Rod Baker. Pltf's exhibits admitted. Pltf. rests. Deft's witnesses sworn & testify: Stephen Jones. Deft's exhibits admitted. Deft. rests. Closing statements made. Court finds that prob. should be revoked & sets sent. on 5-22-79 at 9:30 a.m. All pending motions now moot. (HDC-J)hm				
5-21	EXHIBITS.				
5-21	DEFT'S BRIEF in support of deft's mo/fix bond pending appeal. hm				
5-22	SENTENCING. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say anything before sent. is pronounced. Judgment and Sentence - ALTA KIRK MANAHAN, SR. Atty. Gen.- Four (4) Years Deft's oral motion to fix bond pending appeal denied. It is ordered that the execution of sent. is stayed until 6-8-79 at 9:00 a.m., at which time he shall report to U.S.M. at Tulsa, Okla. (HDC-J)hm				
✓ 5-22	ORDER revoking probation, filed and entered. (HDC-J)hm				
5-22	TWO C/C of order revoking prob. delivered to U.S.M. hm				
5-24	NOTICE OF APPEAL by def. rm-c/m USCA				
5-30	MO: Upon applic. of deft, the deft. is allowed to report to the institution designated by the Atty. Gen., & the U.S.M. is directed to notify the deft. and to take all further actions necessary. (HDC-J)hm (copy of MO to U.S.M. & parties phoned)				
5-31	LETTER from 10th Cir. assigning No. 79-1460. rm				
6-1	ORDER denying deft's mot/fix bond pending appeal. (HDC-J)k cps mld				
6-4	DESIGNATION of record on appeal. rm				
6/1/79	RETURN ON SUBPOENAS. Served Paul Clark, Laverne Abelson Miller, Byron Bird, Carl Haubergas. Unexecuted as to Earlene King, John Terry Moore & J.H. King. TOTAL FEES: \$38.96. v				
✓ 6/4/79	Return on Order of 5/22/79. USM rec'd on 5/30/79 and on 6/4/79 USM directed Deft. to appear at Leavenworth on 6/8/79. v				

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1979</u>					
6-6	REPORTER'S TRANSCRIPT of revocation of prob. hrg., had on 5/21/79 (pp.1-107) T.Bloxom-CR. rm				
6-6	REPORTER'S TRANSCRIPT of sentence, had on 5/22/79. (pp. 1-10) (T.Bloxom-CR)rm				
6-28	APPEAL RECORD (3 vols) transmitted to 10th Cir. rm				
6-28	RETURN on sub. served Bill Ashford on 5-1-79 in KS, Anthony Massad on 5-9-79 in OK, Frank Bourland on 5-1-79 in OK, Earlene E. King on 4-5-79 in OK, Earlene E. King on 4-25-79 in OK, Carl R. Arbogast on 4-19-79 in KS, Dale Y. Perkins on 4-21-79 in KS, Paul Clark on 5-1-79 in KS, & David F. Pratt on 5-1-79 in KS. ho				
7/27	APPLICATION FOR DISBURSEMENT OF BOND and exoneration of same. v (o)				
7-30	ORDER that \$500.00 bond heretofore posted by A.K. Manahan, Sr. is exonerated, and Clerk is directed to mail refund to Mr. Manahan c/o Stephen Jones. (HDC-J)ra				
7-27	USM RETURN on subs: served Kenneth Bloeser & Bert Mackey, Custodian of Records, Security National Bank, Enid. g				
9-27	ORDER of 10th Cir., directing Clerk to suppl. appeal record to include transcript of testimony of Kenneth Bloeser at prel. hrg. had 2/15/79 before Magistrate.				
9-27	SUPPL. APPEAL VOL. I transmitted to 10th Circuit.rm				
4-22-80	USM RETURN on sub: served Alta K. Manahan, Sr. 5-2-79. g				
6-12	MANDATE & OPINION of 10th Circuit, filed & spread of record, affirming. (Deft. already in custody)rm				
6-25	APPEAL RECORD (3 vols. + Suppl. Vol. I) received from 10th Circuit. rm				
9-8-80	PETITION of Deft. for reduction of sentence. ho				
9-30	ORDER, the motion for reduction in sentence is overruled. (HDC-J)mm c/m				

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
 OTHER MISDEMEANOR Mis ☐ District Office 2-1-77  
 FELONY Fel ☒

vs. MANAHAN, Alta Kirk, Jr. 27  
 2730 N. Van Buren, No. 78  
 Enid, Ok 73701  
 PH: 405-233-7177  
 (LAST, FIRST, MIDDLE)

Case Filed  
 Mo. Day  
 11 09  
 No. of Def's  
 \* 08

76 - CR - 148 - 7

Yr. Docket No. Def.

U.S. TITLE/SECTION  
 18:371

OFFENSES CHARGED  
 Conspiracy to Commit Offense or Defraud USA 1  
 (\$10,000.00 and/or 5 Yrs.)

ORIGINAL COUNTS

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied Set ☐ Pers. Recog.  
☐ PSA

\$ 5,000 conditions

Date 11-9-76 ☒ 10% Deposit☒ Surety Bond/C☐ Bail Not Made ☐ Collateral☒ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

## II. KEY DATES &amp; INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 11-18-76	High Risk Date 11-9-76	11-18-76	Trial Set For 11-18-76	Disposition of Charges DISMISSED 2-1-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 11-18-76	Voir Dire <input type="checkbox"/>	<input type="checkbox"/> Convicted <input type="checkbox"/> On All Charges
First Appearance	In Charging District	Final Plea 1-17-77	Trial Began <input type="checkbox"/>	<input type="checkbox"/> Acquitted <input type="checkbox"/> On Lesser * Offense(s)
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL	Trial Ended	<input checked="" type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
		<input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL		<input checked="" type="checkbox"/> On Govern'ts Motion

## MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED
Arrest Warrant Issued	Served			Date Scheduled		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
COMPLAINT				Date Held		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
OFFENSE (In Complaint)				<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED	Tape Number	
				<input type="checkbox"/> INTERVENING INDICTMENT		

U.S. Attorney or Asst.

## ATTORNEYS

Defense: ☒ CJA ☐ Ret; ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Nathan G. Graham  
 U.S. Attorney

Gene Stipe  
 P.O. Box S  
 McAlester, Ok 74501 423 4421

\* Show last names and suffix numbers of other defendants on same indictment/information:

MANAHAN, SR. (6) and WALKER (8).

-1976- CUNNINGHAM (1), WHIPKEY (2), FLEWELLEN (3), MALLORY (4), FOWLER (5),  
 DATE (DOCUMENT NO.) PROCEEDINGS

EXCLUDABLE DELAY

(a) (b) (c) (d)

11-9 Record vote of the Grand Jury Concurring, fld. in Open Court.  
 (Allen E. Barrow, Chief Judge) v

2 11-9-76 M

11-9 Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J) v

11-10 Warrant issued. v

11-17 MO: Case set for arraignment & plea on 11-18-76, at 11:15 A.M.  
 (AEB-J) b

11-18 Case called for arraignment & plea. Deft. present & rep. Govt.  
 rep./Deft. acknow. receipt of indict., is advised of charge &  
 enters plea of NOT GUILTY. Deft. given 20 days to file motions  
 & Govt. 10 days to respond. Deft. requests bond be reduced to  
 \$5,000 O/R. Ct. approves & travel will be restricted to Okla.  
 Deft. requests pre-sent. report & Ct. so orders. Case set for  
 trial on 1-17-77, 9:30 A.M. Deft. remanded to USM. (AEB-J) b

11-18 Appear. bond in amt. of \$5,000 (personal), filed, w/Order  
 spec. methods & conditions of release. b

11-24 W/Arrest, ret. & filed: deft. Manahan, Jr. arrested  
 11-18-76. g

2 11-18-76 M 9

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
12-22	MO: Case set for jury trial on 1-17-77, at 9:30 A.M. (AEB-J)b nts by cert ml w/affid.					
1-17-77	Case called for jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of Nolo Contendere. Govt. objects. Ct. overrules & accepts plea of Nolo, & deft. is adjudged convicted as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Ct. orders pre- sent. report. Sentence set on 2-1-77, at 10:00 A.M. Bond cont'd. (AEB-J)b					
2-1	Case called for Sentencing. Deft. present & rep. Govt. rep. by Nathan Graham. Government recommends dismissal of Indictment and presents order to the Court. Court signs order of dismissal and it is filed in Open Court. (AEB-J)v					
2-1	Order of Dismissal, filed and entered. (AEB-J)v -cpy to U.S. Atty.					
2-7	Reporter's transcript of sentencing proceedings on 2-1-77, filed. (GRD-CSR)g					
8-16	Reporters transcript of proceedings had on 1-17-78 plea of Nolo Contendere, before Judge Allen E. Barrow. (GRD-CSR)ho 34pgs.					

For Identifying  
Periods of Exclud-  
able Delay Per 18  
U.S.C. 3161(h)A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244).B. NARA Exami-  
nation (28  
U.S.C. 2902).C. State or Federal  
trials on other  
charges.D. Interlocutory  
Appeals.E. Hearings on  
pretrial motions.F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40)G. Defendant Mo-  
tion is actually  
under advise-  
ment. Period of  
up to 30 days  
is excludable  
per  
3161(h) (1) (G).H. Miscellaneous  
Proceedings:  
Probation or  
Parole revoca-  
tion, Depora-  
tion,  
Extradition.I. Prosecution de-  
ferred by  
mutual agree-  
ment.M. Unavailability  
of defendant  
or essential  
witness.N. Period of men-  
tal or physical  
incompetence  
of defendant to  
stand trial.O. Period of  
NARA Com-  
mitment or  
Treatment.P. Superseding  
indictment  
and/or new  
charges.R. Defendant  
awaiting trial  
of Co-defen-  
dant when no  
severance has  
been granted.J. Continuances  
Granted per  
3161(h) (8)  
(i.e. ends of  
justice or com-  
plexity of case  
outweighs de-  
fendants  
interests).U. Time between  
guilty plea and  
plea with-  
drawal.W. Grand Jury in-  
dictment ex-  
tended per  
3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

## CRIMINAL DOCKET - U.S. District Court

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509  
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence  
 FELONY Fel XX District Office 1-7-77

vs. WALKER, Bobby  
 Rt. 2  
 Stroud, Ok 74079  
 (LAST, FIRST, MIDDLE) PH: 968-2170

Case Filed  
 Mo. Day  
 11 09  
 No. of Def's  
 \* 08

76 - CR - 148 - 8

Yr. Docket No. Def.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

18:371

Conspiracy to Commit Offense or Defraud USA  
 (\$10,000.00 and/or 5 Yrs.)

1

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ Denied ☐ AMT ☐ Fugitive  
☐ Set ☐ Pers. Recog.

\$ 5,000 conditions

Date 11-9-76  
☐ 10% Deposit  
☒ Surety Bond /C

☐ Bail Not Made ☐ Collateral  
☒ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

## II. KEY DATES &amp; INTERVALS

SUPERSEDING  
COUNTS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began 11-18-76	High Risk Date 11-9-76	11-18-76	Trial Set For 11-18-76
Summons Served	Information <input type="checkbox"/> Indict. Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	1st Plea 11-18-76 Final Plea	Voir Dire <input type="checkbox"/> Trial Began <input type="checkbox"/> Trial Ended
First Appearance	In Charging District		

## SENTENCE

Disposition  
of Charges

DISMISSED  
1-7-77

☐ Convicted ☐ On All Charges  
☐ Acquitted ☐ On Lesser \*  
☒ Dismissed: ☐ WOP: ☐ WP  
☒ On Govern'mt Motion

## MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
Arrest Warrant Issued	Return			<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT		
COMPLAINT	Served					
OFFENSE (In Complaint)						

U.S. Attorney or Asst.

## ATTORNEYS

Defense: ☐ CJA ☒ Ret; ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Nathan G. Graham  
 U.S. Attorney

Pat Williams  
 4th Nat'l Bldg  
 Tulsa, Ok 74119  
 PH: 583-1338

\* Show last names and suffix numbers of other defendants on same indictment/information:

MANAHAN, SR. (6) and MANAHAN, JR. (7).

-1976- CUNNINGHAM(1), WHIPKEY(2), FLEWELLEN(3), MALLORY(4), FOWLER(5),

DATE (DOCUMENT NO.) PROCEEDINGS

EXCLUDABLE DELAY

(a) (b) (c) (d)

11-9 Record vote of the Grand Jury Concurring, fld. in Open Court.  
 (Allen E. Barrow, Chief Judge)v

11-9 Indictment, fld. in Open Court. Bond set at \$5,000.00, C/S. (AEB-J)v

11-10 Warrant issued. v

11-18 MO: Case set for arraignment &amp; plea. on 11-18-76, 11:15 A.M. (AEB-J)b

11-18 Case called for arraignment & plea. Deft. present & rep. Govt.  
 rep. by B. Baker. Deft. acknow. receipt of indict., is advised of charge &  
 enters plea of NOT GUILTY. Deft. requests bond be reduced to  
 \$5,000 O/R & Ct. approves. Travel will be restricted to Okla.  
 Deft. given 20 days to file motions & Govt. 10 days to respond.  
 Case set for trial on 1-17-77, 9:30 A.M. Deft. remanded to USM.  
 (AEB-J)b

11-18 Appear. bond in amt of \$5,000 (personal), filed, w/order spec.  
 methods & conditions of release. b

11-24 W/Arrest, ret. & filed: deft. Walker arrested on  
 11-18-76. g

2 11-9-76 M

2 11-18-76 M 10

IV. PROCEEDINGS (continued)		PAGE TWO		V. EXCLUDABLE DELAY			
DATE	(DOCUMENT NO.)	Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)		
12-22	MO: Case set for jury trial on 1-17-77, at 9:30 A.M. (AEB-J) b nts by cert ml w/affid.						
1-7-77	Order for Dismissal of Indictment, filed & Entered. (AEB-J) b cps mld						

For Identifying  
Periods of Exclud-  
able Delay Per 18  
U.S.C. 3161(h):

A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244)

B. NARA Exam-  
ination (28  
U.S.C. 2902)

C. State or Federal  
trials on other  
charges.

D. Interlocutory  
Appeals.

E. Hearings on  
pretrial motions.

F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40).

G. Defendant Mo-  
tion is actually  
under advise-  
ment. Period of  
up to 30 days  
is excludable  
per  
3161(h) (1) (G).

H. Miscellaneous  
Proceedings:  
Probation or  
Parole revoca-  
tion, Deporta-  
tion,  
Extradition.

I. Prosecution de-  
ferred by  
mutual agree-  
ment.

M. Unavailability  
of defendant  
or essential  
witness.

N. Period of men-  
tal or physical  
incompetence  
of defendant to  
stand trial.

O. Period of  
NARA Com-  
mitment or  
Treatment.

P. Superseding  
indictment  
and/or new  
charges.

R. Defendant  
awaiting trial  
of Co-defen-  
dant when no  
severance has  
been granted.

T. Continuances  
Granted per  
3161(h) (6)  
(i.e. ends of  
justice or com-  
plexity of case  
outweighs de-  
fendants  
interests).

U. Time between  
guilty plea and  
plea with-  
drawal.

W. Grand Jury in-  
dictment ex-  
tended per  
3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER



D. C. 109A

## CRIMINAL DOCKET

## Subpoena Returns

DATE	PROCEEDINGS
1977	
1-17	Return on service of subpoenas, filed. Served <u>Lloyd Paul Brook</u> on 1-17-77 at Tulsa, OK. Served <u>Kenneth Ray Chesser</u> on 1-17-77 at Tulsa, OK. Served <u>Ron Rigsby</u> on 1-14-77 at Oklahoma City, OK. Served <u>O. B. Clay</u> on 1-14-77 at Oklahoma City, OK. Served <u>R. L. Anthis</u> , Okla. Tax Commissioner, on 1-14-77 at Oklahoma City, OK. Served <u>Paul Blom</u> for <u>Ryder Rentals</u> , on 1-14-77 at Oklahoma City, OK.k
1-17	Subpoena returned unserved as to Deb Collins, deceased, and filed.k
1-19	Return on CR. Subpoenas to Testify, fld. Served Frank Mathis in Stroud, OK, on 1-15-77 w/fees of \$18.84. Served Dean Franks in Stroud, OK, on 1-15-77, w/fees of \$3.00. (TOTAL FEES: \$21.84)v
1-24	Return on Subpoena to testify, filed. Served W. H. Vinson on 1-17-76 at Okla. City, Ok.s

DATE	PROCEEDINGS